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ProblematISING Symbolic Reparation: 'Complex Political Victims', 'Dead Body Politics' and the Right to Remember

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Problematising symbolic reparation: ‘complex political victims’, ‘dead body politics’ and the right to remember.

Abstract

In light of the increasing importance of commemoration and memorialisation within the study of transitional justice this article attempts to stimulate further critical discussion on the right to remember in societies transitioning out of prolonged conflict. Located within a wider exploration of the problematic overlap between the ‘politics of reparations’ and ‘dead body politics’ commonly found in transitioning societies, it argues that any prospective right to remember creates a tension between competing collective rights held by various constituencies. On the one hand there emerges the right of remembrance owed to certain constituencies, yet at the same time this must be balanced against the right of acknowledgment owed to other constituencies. Despite this tension, the article posits that affording a right to remember in the case of ‘complex political victims’ is necessary for reparative imbalance to be avoided, for a fuller insight into the causes and consequences of past violence to be gained and for movement towards the goal of non-recurrence.

Keywords:

Reparations, transitional justice, victimhood, memorialisation, collective memory

Introduction

The increasing importance afforded to memorialisation and commemoration in societies transitioning out of conflict raises questions about whether or not a right to remember now exists (Reading 2011). Although there is no specific right to remember expressly laid out in any covenant under international law (Lee 2010), the importance of remembrance in a transitional justice context has been acknowledged in other ways. Memorialisation and commemoration are recognised as valuable forms of non-pecuniary reparation in major United Nations (UN) policy reports,¹ in the recommendations of truth commissions (Hamber, Sevcenko & Naidu 2010), by the Inter-American

Court (Blustein 2012) and by some domestic courts.² The most generous interpretation of these developments, Eliana Jimeno (2018) argues, is that a *de facto* right to remember has latently emerged within transitional justice.

This is not unproblematic though, with Jimeno also noting that if remembrance is recognised as symbolic reparation to which a rights claim can be made it poses the awkward question of who it should be granted to. Further questions about who should be remembered, who should have their story told and how different groups and actors should be portrayed emerge too (Naidu 2014). In defying any obvious answer, these questions are intrinsically rooted in what Jon Elster (2004: 118 – 128) calls the ‘decisions of transitional justice’ as to who is responsible for past harms, who should be considered a victim, who as a victim is entitled to reparation and what this reparation should be. One particularly discomforting question concerning any prospective right to remember is whether it should be limited to those who died *for nothing* (i.e. civilians) or if it should extend to those who died *for something* (i.e. combatants and/or political activists). In other words, should this form of symbolic reparation only be available to those framed as ‘innocent victims’ who were harmed through the norms violation of their victimiser or should it also be available to ‘complex political victims’ (Bouris 2007) who suffered harms as a consequence of their own agency. More pointedly, should it exist where ‘complex political victims’ themselves committed or contributed to the harms inflicted on others in the furtherance of the *something* for which they died?

These questions problematically merge the ‘politics of reparation’ (Torpey 2006) with the ‘dead body politics’ (Verdery 1999: 26) of post-conflict remembrance. Debates over who should be afforded reparations and what these reparations should be are, just like debates on commemoration and memorialisation, intrinsically rooted in particular understandings of the conflict that preceded these debates. Any claim to reparations for historical injury or injustice can be contested by others who may interpret events differently –whether it was in fact an injustice, who is responsible for it and who should subsequently provide reparations (Torpey 2006:3). This is further complicated by the

fact that reparations claims-making can be reduced to narrow self-interest through leveraging partisan interpretations of the past for political purposes in the present (Torpey 2006: 6). ‘Dead body politics’ involves a similarly uneasy interaction between the past and present because it entails posthumously framing the life of an individual in accordance with cultural and political scripts that attempt to give their lives and deaths a particular positive or negative meaning (Verdery 1999). Through so manipulating the dead, ‘dead body politics’ becomes integral to the process of memory-making and (re)writing the past (Verdery 1999: 3). The common ability of the ‘politics of reparations’ and ‘dead body politics’ to reinforce selective interpretations of the past through commemoration and memorialisation presents two prevailing issues for transitional justice scholarship to explore; *who* should be commemorated as a form of symbolic reparation and *how* this should be done.

Through highlighting the issues emerging from such a problematic merger this article represents an effort to stimulate further critical discussion on the right to remember in societies transitioning out of political conflict. It draws on media coverage of Irish republican commemoration in Northern Ireland to concretise its theoretical arguments,³ though the insights and perspectives offered herein can nonetheless ‘travel’ to inform transitional justice theory and best practice on commemoration and memorialisation in transitioning societies elsewhere (Dempster 2016; McEvoy & Bryson 2016; McEvoy 2018). Likewise, they may be applied to collective remembrance undertaken by other constituencies within Northern Ireland, like official state remembrance and Ulster loyalist remembrance too (McDowell & Braniff 2014; Brown & Grant 2016). Several factors favour using the North of Ireland as a geographical lens for this issue. Northern Ireland, as Christine Bell (2003) notes, not only represents a non-paradigmatic transition that resulted from a negotiated settlement of conflict rather than a defeat or victory for any side, but also represents a society that has not yet comprehensively addressed its legacy of conflict. The legacy of tripartite political violence involving Irish republican and Ulster loyalist non-state groups *and* state security forces remains contested through what has been termed a meta-conflict over the causes and consequences of the conflict itself (Bell, Campbell & Ní Aoláin 2004; Lawther 2014; Hearty 2016; Mallinder 2019). Because

commemoration can provide meaning for the past (Funkenstein 1989) while simultaneously promoting 'presentist' agendas (Schwartz 1982) it has unsurprisingly been used to promote certain interpretations of the past at the expense of other interpretations (Brown & Viggiani 2010; McDowell & Braniff 2014). This is further problematised by the fact that commemoration in Northern Ireland takes a 'fragmented' form (Vinitzky-Seroussi 2009: 4) whereby there are different mnemonic times and spaces wherein competing discourses about the past are voiced by, and sometimes even at, different audiences. More significantly, the commemorative culture revolves around commemorating those who died *for something* rather than those who died *for nothing*; combatants are commemorated more than non-combatants, with Irish republicans being the most active political commemorators (Brown & Grant 2016). This actuality means that using the labels died *for nothing* and died *for something* is not to be disparaging but simply to offer a neat differentiation between those who died in furtherance of a particular political cause and the majority of victims who died as a consequence of political violence in which they were not involved, which in turn helps to illuminate the commemorative difficulties such a reality poses.

The article begins by briefly outlining the rationale proffered for symbolic reparation within transitional justice. It then proceeds to outline how 'dead body politics' frames the remembrance of those who died *for something*, before critically applying these theoretical insights to political disagreement over commemoration in Northern Ireland. Building from there, the article argues that there is polyvalence to Irish republican commemoration that fundamentally problematises any right to remember. In recognising this 'multilayeredness' of memory (Rigney 2012), it posits that recognising a right to remember those who died *for something* can paradoxically prove both necessary and problematic for transitional justice. On the one hand, it raises difficulties relating to balancing any prospective right to remember those who died *for something* with the acknowledgement of their victims, yet on the other hand it may nonetheless prove necessary if reparative imbalance is to be avoided, if a fuller insight into the causes and consequences of past violence is to be attained, and if symbolic reparations are to serve their intended purpose.

Symbolic reparation in transitional justice

Transitional justice has been defined as ‘the processes designed to address past human rights violations following periods of political turmoil, state repression, or armed conflict’ (Olsen, Payne & Reiter 2010: 31). It is premised on acknowledgement and prevention; that is, acknowledging that past harms took place and ensuring that they do not happen again. Initially restricted to punishing human rights abusers (Teitel 2003), transitional justice has since taken a reparative turn that gives victims agency to demand that the full range of harms they suffered be addressed by transitional justice processes (May & Edenberg 2013; McEvoy & McConnachie 2013; Mendez 2016). Although, as Bassiouni (2006) argues, victims’ rights include the right to equal and effective access to justice, the right to truth and the right to reparations, it is the latter of these that the present discussion concerns.

The core rationale for granting reparations to victims of past human rights abuses is to repair the harms they suffered and to acknowledge that what happened to them was wrong (Laplante 2014). The UN Basic Principles further suggest that reparations should entail rehabilitation, compensation, restitution, satisfaction and guarantees of non-repetition.⁴ Reparation programmes must therefore address abstract needs like justice and accountability while at the same time providing the practical means for victims to rebuild their lives (Roht-Arriaza 2004). A distinction is thus made between *material* reparations and *symbolic* reparations. Where the former might include compensation payments for economic loss, enforced displacement or physical injury, the latter, in trying to repair the intangible effects of conflict, might include guarantees of non-repetition through formal truth-telling. While existing literature has long debated the merits and adequacy of reparations (Urban-Walker 2015; Standaert 1999; Elster 2012), empirical studies show that *both* material and symbolic forms remain important to victims (Laplante & Theidon 2007).

Whereas material reparations seek to repair any past harms in a pecuniary sense (De Greiff 2008), symbolic reparations are predicated on offering redress where particular harms cannot be repaired

in a pecuniary sense or where there was a collective suffering of harms (Megret 2009). Although a symbolic moral dimension to material reparations can exist if payment is seen as an acceptance of wrongdoing (Standaert 1999), symbolic reparations are often afforded greater moral importance because they are better placed to address the causes and consequences of, rather than resultant material needs arising from, past harms (Roht-Arriaza 2003). Martha Minow (1998) attributes this to the fact that they can provide an insight into *what* harms took place and *why* these harms took place that any material approach cannot. Symbolic reparations have been duly framed as ‘moral reparations’ that can prevent recurrence of past harms (Bassiouni 2006) - including official apologies, truth-telling, commemoration and memorialisation (Skaar & Gianella Malca 2015).

The overriding problem, however, is that reparation schemes are invariably built on victimological hierarchies that prioritise certain victims and harms over and above other victims and harms (Hearty 2018). One particularly problematic consequence of this is politicking over who is, and *is not*, a victim. This can arise from practical motivations looking to secure a maximum share of scant resources but it can also arise from political motivation seeking to promote particular ideological interpretations of past violence. More often than not, this involves attempts at constructing binary categories of victim and perpetrator – sometimes through victims legislation as in Colombia (Summers 2012), Peru (Garcia-Godos 2008) and Northern Ireland (Hearty 2016) - that fail to reflect the complex reality of political violence (Borer 2003; Bouris 2007; McEvoy & McConnachie 2013).

In the Northern Ireland case study at hand, this has seen a distinction made between ‘deserving victims’ and victims who ‘deserved it’ (Graham & Whelan 2007), which in itself stems from how the Good Friday Agreement (GFA) avoided making any adjudication on past violence, victimhood or reparations. This has led to debate about whether or not ‘complex political victims’ should be entitled to material reparations in Northern Ireland, with positions on the issue often mirroring political positions on past violence (Moffet 2016). Likewise, while the GFA explicitly acknowledged that ‘victims have a right to remember as well as to contribute to a changed society’, it nonetheless

failed to define the term 'victim' or to elaborate on how these rights should be practicably exercised.⁵ Legislation seeking to plug these lacunae have brought their own difficulties; victims' legislation has been criticised for mirroring certain meta-conflict positions by either being too inclusive or too exclusive (Hearty 2016), while equality legislation enshrines a 'parity of esteem' that supports a right to remember yet also imposes a concomitant obligation to promote 'good relations' that can be used to challenge it (McDowell & Braniff 2014). Section 75 (1) the Northern Ireland Act 1998 places an obligation on public authorities to 'have due regard to the need to promote equality of opportunity' between those of different religious beliefs and political opinions. Section 75 (2) imposes a further obligation to 'promote good relations' between those of different religious beliefs, political opinions and racial backgrounds. Its relevance to contested acts of commemoration in 'shared space' is considerable; anything from the locating of a monument on public authority owned property to commemorative gatherings in public authority owned community leisure facilities conceivably falls within its parameters. This dynamic in itself reveals that these victimological issues are not neat legalistic debates that can be divorced from the socio-political environment in which they take place (Lundy & McGovern 2008), but are part and parcel of the 'politics of reparations' common in transitioning societies.

'Dead body politics'

If detached from the relevant socio-political context which frames any given conflict, it is difficult to appreciate why anyone would want to commemorate those who engaged in violence. However, once placed within the proper context, such people are remembered precisely because they died *for something*; a cause, a people and/or a homeland. It is, as Margalit (2004: 92) comments, only those who 'make a name for themselves' through self-sacrificial deeds that are afforded the luxury of a 'glorious afterlife of living on others' lips'.

This is problematic, though, when they live on the lips of others through opposing narratives; spoken with reverence by some as ‘freedom fighters’ but also spoken in dreaded tones by others as ‘terrorists’. As Verdery (1999: 29) notes:

Dead people come with a curriculum vitae or résumé – several possible résumés, depending on which aspect of their life is being considered. They lend themselves to analogy with other people’s résumés. That is, they identify encouragement with their life story, from several vantage points. Their complexity makes it fairly easy to discern different sets of emphasis, extract different stories.

The ‘résumés’ that Verdery speaks of are contentious because they are invariably interpreted through competing lenses premised on group membership and positions relative to the dead’s violence. That is, whether their violence was exercised in the name of or at the expense of a given constituency will determine how that constituency interprets their ‘résumés’.

There is a heightened salience to this point in a context like Northern Ireland where the causes, consequences and nature of the conflict itself remain bitterly contested. Because ‘dead body politics’ reflects the relationship the dead have with *different* constituencies, this allows the ‘résumés’ of the dead to be used in a way that makes more fundamental statements about the nature and legitimacy of past acts of violence. The ‘resumés’ of those who died *for something* can be discursively appropriated to make a political and moral point about that *something* itself. The problem is one of both *content* and *context*; the content involves a difficult past being remembered in a context of a society still divided over that past.

On the one hand ‘dead body politics’ enables collectives to idealise their own dead. Laleh Khalili (2007: 140) observed how in Palestine martyrs get transformed through death from being ‘a mortal and flawed member of the community to an imperishable embodiment of the nation’s abstract values’. Likewise, Sabine Marschall (2009) noted that in South Africa the commemoration of

'struggle heroes' has seen their symbolic lives supersede their real lives. Dead members of the Liberation Tigers of Tamil Eelam (LTTE) have similarly been portrayed in Tamil collective memory as the personification of righteous resistance to Sinhalese domination (Seoighe 2016). When seen from the perspective of those within the communities that they came from, martyrs boast impeccable 'resumés'. The devastating consequences of their violence are assiduously excised from a narrative that deems their cause, and as a consequence any violence in pursuit of this, morally righteous. At the same time, those on the receiving end of this violence take a dichotomous view, seeing it as the wanton slaughter of the innocent and virtuous by those who were psychopathic, terroristic and wicked (Simpson 2009; Patterson 2006; Mulcahy 2000). Binary separations into categories of 'good' and 'evil' are as simplistically reductive as they are problematic (Frankel 2001: 19), not least because commensurability with them relies almost entirely on different experiences of any given conflict (Hearty 2017: 57). The dissonance between these accounts evidences how collective memories of political conflict are premised on carefully chosen presence (ie martyrs) and carefully chosen absence (ie their victims) (Irwin-Zarecka 1994: 4).

Perhaps the most useful lens for viewing 'dead body politics' in Northern Ireland through is how the 1981 hunger strike is differentially remembered. The deaths on hunger strike of ten Irish republican prisoners was the culmination of five years of protest against the state criminalisation policy that included the blanket protest (wearing a blanket instead of a prison uniform) and the dirty protest (smearing excrement on cell walls rather than 'slopping out' in prison uniform) (Shirlow & McEvoy 2008; Maclonnachtaigh 2013). For Unionists, the depravity of the hunger strikers as individuals and the debased nature of their cause were mirrored in the filth and squalor of the conditions they had inflicted upon themselves (O'Malley 1991: 163). For Irish republicans, however, it was not the prisoners who were barbaric but rather it was the oppressive state system that had stripped them of the basic trappings of humanity (Pine 2011: 109). Their willingness to die rather than allowing themselves to be criminalised purified their cause within their own constituency. To their

opponents, however, they were ‘terrorist’ criminals who had resorted to turning their violence on themselves (Robinson 1981).

This duel between *idealisation* and *dehumanisation* fed into competing discourses surrounding a contentious 2014 commemoration held in Derrylin. Sinn Féin said the event was about commemorating ‘noble, selfless and decent’ role models (Cromie 2014), yet ‘innocent victim’ spokesperson Kenny Donaldson protested that the event ‘eulogised individuals who were incarcerated for crimes ranging from membership of a proscribed organisation to that of murder’ (Newsletter 2014).

Memory’s ‘multilayeredness’

Irish republican commemoration has a polyvalence whereby it involves *thick* commemoration of family, friends and neighbours, *meta-conflict* commemoration that feeds into disagreement over past violence and *internal* commemoration that involves memory politicking between those in favour of and against transition.

Thick commemoration

Thick commemoration reflects the convergence between the localised dynamics of political violence and the localised dynamics of collective memory. Just as collective remembrance involves a rootedness of individuals to communities, times and spaces (Nora 1989; Connerton 1989; Misztal 2003), so too was political violence, and the non-state armed groups engaged in it, embedded in localised identities, solidarities and communities (Brown 2013; Hearty 2017). Commemoration within Irish republican communities therefore invariably entails some element of *thick* remembrance of the ‘near and dear’ (Margalit 2004: 7) – family, friends, neighbours and compatriots. Even though the commemoration of ‘struggle heroes’ holds ‘use value’ for political elites this does not negate the genuineness of the compulsion to remember the dead among their families and friends. Rather, the presence of family and friends alongside political figures at commemorations merges personal grief

with politicised collective remembrance (Marschall 2009: 48). Here commemoration represents the 'unvarnished remembrance of friends, neighbours, relatives and comrades-in-arms' (Brown & Viggiani 2010: 225).

This element of *thick* commemoration has been discernible in how the Irish republican dead have been commemorated as normal people called to make extraordinary sacrifices in protection of their community:

They were ordinary young men who loved their families and friends and were loved in return. They got great satisfaction from playing sport and reading history and going to dances or courting or playing with their children or going to college or university. They were ordinary young men in the extraordinary circumstances of the early 1970's who rose to the challenge of the time (*Belfast Daily* 2013).

Remembering combatants as 'ordinary people in extraordinary times' shifts the focus from the abnormality of their violent actions as the perpetrators of political violence to the normality of their everyday lives as someone's daughter, wife or friend. This is integral to the *humanisation* process that is locked in a symbiotic duel with the *dehumanisation* process. More fundamentally, it also reflects how these combatants, like their victims, had loved ones too. Any criticism of Irish republican commemoration from others is therefore countered with the argument that their friends and families have the right to remember their loved ones too. Sinn Féin's Gerry Kelly, for example, defended a much criticised commemoration for Shankill bomber Thomas Begley because 'the commemoration... is being held within Ardoyne where Thomas grew up and was well known and respected. Everyone has a right to remember their loved ones and Thomas Begley's family and friends are no different' (Murray 2013).

Thick commemoration, then, can be seen as being symptomatic of the natural localised desire to remember those lost during the conflict, reflecting how remembrance during periods of transition

can be sustained 'from below' (Kent 2011). If one accepts that the commemoration of those who died *for something* can be organic and bottom-up, it cannot be invariably reduced to the glorification of past violence designed to offend their victims. The problem, however, is that those victims will not see Irish republican families or communities exercising a *thick* remembrance right to remember but will ineluctably see it as an offence to the memory of their own dead.

Meta-conflict commemoration

Like the vast majority of consociational peace accords (Wolff 2006: 4), the GFA did *not* see irreconcilable ideological aspirations decommissioned, did not require that opposing interpretations of past conflict be disavowed nor did it ask that past involvement in political violence be repudiated. More problematically, it made no attempt to categorise, much less deal with, the violence of the past. In short, although the physical manifestation of political violence had for the most part ceased there was no attempt to explain or agree how and why that violence happened in the first place.

That commemoration should fill this void reflects how 'memory projects' are premised on securing presence for self-justifying rationales in narratives of the past (Irwin-Zarecka 1994: 9). Competing narratives do not dispassionately relay the happenings of the past but instead try to explain why particular actors acted as they did (Bilali & Ross 2012: 123). Unsurprisingly, this is where difficulty emerges. What is seen as the manipulation of the past by one audience is conversely seen as no more than expressing a collective view of that past by another audience (Vinitzky-Seroussi 2009: 8). As with the 'resumés' of the dead, any such interpretation will naturally depend on group positions as the victim or perpetrator of the violence being 'remembered'. Victims will relate a narrative of inexplicable evil that overlooks any mitigating factors behind the causes of the violence, while perpetrators try to rationalise it by reference to the structural causes of conflict (Bilali & Ross 2012: 125).

In Northern Ireland this tension has manifest itself in conflicting discourses; Irish republicans use the structural causes of conflict to justify past violence whereas Unionists (and the state) deny the import of this by dismissing IRA violence as wanton ‘terrorism’. These discourses map onto competing positions on Irish republican commemoration. For example, Unionist politician Tom Elliot (*Fermanagh Herald* 2014) derided Sinn Fein for holding a hunger strike commemoration in Derrylin because this was:

Where the IRA terrorists murdered several innocent people. These included a farmer and his wife while they were watching TV, a school bus driver when he was collecting primary school children from the school and a primary school teacher when at his place of work in front of the young children. This is another move by republicans to try to justify their murderous campaign as being acceptable – it never was acceptable and never will be acceptable to all right thinking people. They were criminals and terrorists and will always remain so.⁶

A counter-argument by Gerry Kelly concerning the Begley commemoration held that ‘Thomas Begley was not responsible for the conflict here – he lost his life as a result of the conflict he was born into’(Murray 2013). By this logic Begley can be seen as a victim of circumstances who resorted to political violence in response to the circumstances he found himself in (Hearty 2018), representing Elster’s (2004: 113) interchangeable victim-turned-resister and resister-turned-victim.

The dissonance between these accounts captures how meta-conflict positions can be succinctly expressed through the framing of the dead; as coldblooded killers bringing death into the everyday lives of innocent people or as victims of structural exclusion driven by circumstance to exercise political violence. By staking ‘commemorative claims’ (Berg & Schaefer 2009: 3) that challenge official versions of the past, Irish republican commemoration makes three useful assertions; that dead combatants were victims as well as perpetrators, that conflict arose from structural exclusion

in Northern Ireland and that concomitant hierarchies of victimhood and perpetrators disadvantageous to Irish republicans disguise the role played by others in the conflict (Hearty 2017).

Internal commemoration

While not discounting the meta-conflict value of Irish republican commemoration, it is nevertheless important to recognise the link between the 'memory maker' and the 'memory consumer' (Bond 2015: 4). Selective commemoration is primarily undertaken for 'internal consumption' (Brown 2012). If the 'memory consumer' is primarily an internal audience it becomes increasingly difficult to accept that Irish republican commemoration is predicated on causing offence to their victims. Such a perspective not only overlooks *thick* commemoration but similarly neglects how commemoration may have greater *internal* than external political value.

Commemoration is an integral component of the transitional 'coming out' process, whereby competing groups within a given constituency publically contest the past in order to legitimise or challenge the new socio-political order (Marschall 2009). It might have been cohesive during the conflict but during transition commemoration highlights intra-group disagreement over the meaning of the commemoration, the relevance of the commemorated past to the present and the current political direction taken by dominant groups within the constituency (Browne 2013). This is particularly relevant to post-GFA Irish republicanism because approximately 1/3 of commemorative activity is undertaken by anti-GFA groups who lack an electoral mandate but use commemoration to challenge transition (Brown & Grant 2016). Commemorating past violence may then be, in part at least, an internal calculation forced by not wanting to cede the commemorative domain to those opposed to transition.

In continuing to commemorate those who died *for something*, Sinn Féin are, to borrow from Brewer's (2010: 147) analysis, re-casting older narratives to legitimise the transition. Inasmuch as Irish republican commemoration can stake 'commemorative claims', it can also stake

‘transformative claims’ promoting transition (Berg & Schaefer 2009: 3). Those *being* commemorated have a malleability that allows those *driving* commemoration to supply the meaning to their deaths and its relevance to a new dispensation (Brown & Viggiani 2010: 231). Commemoration can therefore become ‘future orientated’ when premised on learning from, yet at the same time moving away from, the violence of the past (Bickford & Sodaro 2010). Paradoxically this means that the commemoration of past violence may reduce the scope for current violence by using a narrative of ‘struggle by other means’ to communicate that while violence *was* legitimate in the past this no longer remains the case today because a non-violent political alternative is available (Graham & Whelan 2007; Brown & Viggiani 2010; Brown & Grant 2016; Hearty 2017). While by no means repudiating the legitimacy of past violence, it nonetheless communicates that violence is *no longer* justified:

Our dead comrades... played their part in our long struggle with dedication and commitment using the tools available to them in the 1970s.... we who continue that struggle for Irish Unity and Independence, must use the tools available to us in 2013. We should not and cannot act as if it is 1916 or 1969 or 1980 or 1996 or even 2006. We cannot live in our past but we must learn from our past to secure and improve our future. Those... who want to return to the conflict years... will fail because they have no vision for the future of Ireland and therefore no strategy other than violence itself (*Belfast Daily* 2013).

However, commemoration is also adaptable for resistance to transition by propagating ideological absolutism through invocations of dead martyrs (Khalili 2007: 53; Browne 2013; McDowell & Braniff 2014; Brown & Grant 2016; Hearty 2017). This was evident in the protests of anti-GFA republicans that Sinn Féin’s Castlederg commemoration was ‘wanton hypocrisy’ because they were commemorating pre-GFA political violence while at the same time criticising post-GFA political violence (*Irish Republican News* 2013). ‘Bridging metaphors’ (Savelsberg & King 2011:54) are thus

used by Sinn Féin to draw continuity between past armed struggle and current political strategy on the one hand, but are similarly used on the other hand by anti-GFA republicans to challenge such an interpretation. Within post-GFA Irish republicanism what Sabine Marschall (2009: 58) has called a 'struggle about the Struggle' has subsequently emerged. Current divisions within post-GFA Irish republicanism, though, are more nuanced than binaries of supporting transition or supporting ongoing political violence (Hearty 2017), meaning that some of those on the political periphery who engage in memory activism may oppose ongoing spoiler violence as much as they oppose Sinn Féin's position. At the same time, however, those who *do* support spoiler violence *are* active commemorators too, and in doing so they are 'memory militants' (Conan & Rousso 1998) who reject the 'struggle by other means' interpretation in favour of fidelity to the traditional script.

This internal politicking further suggests the 'memory consumer' is *not* intended to be the victims of IRA violence but an internal grassroots audience now faced with a changed political landscape. It seems, then, that Irish republican commemoration is no longer about showing unity against any external threat but is now about the internal politicking of legitimising one's current position while simultaneously discrediting rival factions (Browne 2013).

Balancing competing interests

The polyvalence of Irish republican commemoration problematises the right to remember because it requires balancing any Irish republican right to remember with acknowledging their victims. Objections to granting a right to remember those who died *for something* will invariably be framed in terms of protecting their victims from further offence caused by justifying past violence - with politically motivated actors only too willing to opportunistically speak 'for' the victims (Madlingozi 2010). However, the balancing of competing interests around any prospective right to remember should avoid descending into reductive 'zero sum' politicking and focus instead on the goal of non-recurrence. This would allow a more constructive and expansive examination of what it is that

symbolic reparation is meant to achieve and whether or not competing positions can deliver this (Torpey 2006: 6).

Reparative balance

Symbolic reparation can establish the boundaries for inclusion and exclusion as society moves forward through transition thus it should engender a spirit of inclusiveness where possible (De Greiff 2008). If 'victims' rights' (or indeed 'good relations' as per s 75) are used to prevent Irish republican commemoration this would merely continue a victimological imbalance in the North of Ireland that has led to the hyper-visibility of some victims and the invisibility of others (Hearty 2016). Extending this imbalance to post-conflict commemoration would only further deem certain lives 'grievable' and others *not* (Butler 2016: 1). This commemorative approach has left a troublesome legacy elsewhere. Perhaps the most notable example is Francoist Spain where the hyper-visibility of the Nationalist war dead through public commemoration and memorialisation was matched with the concerted suppression of the collective memory of the Republican war dead and other victims of Francoism (Raychaudhuri 2013; Diaz Gandasegui et al 2018). As a result, a victimological imbalance entrenched itself within public remembrance for generations and is only being redressed now following the Law of Historical Memory 2007 (Humphrey 2014). A similar point can be made about public commemoration in post-genocide Rwanda. Here some Hutus feel that they are not allowed to publically remember their dead or to participate in national commemoration projects (Buckley-Zistel 2012). Sinn Féin have argued that denying Irish republicans their right to remember will similarly produce a 'hierarchy of victims which would discriminate against republicans and nationalists not just in life, but in death also' (BBC 2013).

More problematically though, it also means withholding the 'sociopolitical redress' of rehumanising the dead that symbolic reparation offers by locating their actions within the appropriate social, political and historical context (David & Choi Yuk ping 2003; Urban Walker 2015). In the case at hand, this may further rehumanise those who died *for something* by having their 'résumés'

acknowledge that while they might have consciously chosen to enact political violence they nonetheless acted within a particular context fraught with political and moral ambiguity. The problem, of course, is that the families of those who died *for nothing* are likely to oppose any attempt to have the 'résumés' of those who died *for something* rewritten like this. For example, while accepting that the Begley family had a right to remember their son the victims of the Shankill bomb were nonetheless critical of the 2013 commemoration because it sought to portray someone killed after deciding to plant the bomb in the same victimological light as the other victims who had no choice in the matter (BBC 2013). A paradox defines their position; although acceptant that all families have a right to remember their loved ones these victims nevertheless sought to shut down any discursive space that might have those who died *for something* rehabilitated by recognising them as 'complex political victims' instead of continuing to 'other' them as 'terrorists'.

Narrative plurality and non-recurrence

If the key rationale for collectively remembering past violence in transitioning societies is to prevent a recurrence of that violence (Levy & Sznajder 2010: 4), this paradoxically means that inasmuch as a right to remember in Northern Ireland can allow selective interpretations of the past to be (re)asserted it might also enable these same interpretations to be challenged. When similarly selective interpretations of the past engage with one another a dialogic potential emerges (Blustein 2012). Realising this potential, however, depends on a willingness to engage with the voices we agree with, the voices we disagree with, those we find tolerable and those we find morally reprehensible (Irwin-Zarecka 1994: 13). Instead of opting to ignore divisive aspects of the past, dialogue through selective commemoration presents the scope for a frank, if inevitably uncomfortable, discussion about competing interpretations of the past that can foster an appreciation of all perspectives. The purpose here should *not* be to offer defence for or demand disavowal of past violence, but rather to gain an insight into the motivations for past violence through a scaling up to the societal level of engagements already being undertaken by some

individuals (Norrie 2019). These engagements might even foster incipient recognition that in some ways ‘their’ experiences mirror ‘our’ experiences. Dialogue among former combatants about their motivations for involvement in the conflict has, for example, allowed Irish republicans an insight into how young socio-economically deprived men in Britain could be seduced into military service through the promise of foreign travel, a trade and employment. At the same time former British soldiers have learnt how people very similar to themselves were drawn into conflict because of structural exclusion and their everyday experiences of growing up in a conflict zone (Walsh 2015). Former enemies have therefore rehabilitated their view of one another through mutually recognising each other as ‘victims of circumstances’ in what Christian Appy (2000: 29) might call a ‘poor man’s war’. Because this engagement is premised on non-recurrence it helpfully means that it can be done without having to decommission their different, if not opposing, perspectives.

Those victims unwilling, or perhaps even unable, to enter into such a frank dialogue may instead demand that their victimisers ‘discipline’ commemoration (Sorek 2015) by excising anything that offends them. This, in turn, poses the questions of whether or not Irish republican commemoration *should* be ‘disciplined’ and whether or not it *could* ever be sufficiently ‘disciplined’ for victims. Beginning with the latter, even if Sinn Féin now advocate peace instead of violence at these commemorations and even if they acknowledge the human cost of past violence at these commemorations they are highly unlikely to ‘discipline’ its core substance to the degree that certain victims might demand. The legitimacy of past violence will not be disavowed nor the ‘resumés’ of the dead rewritten.

The most instructive example of this is the fallout over the October 2018 commemoration for Thomas Begley. At the event Sean Kelly, Begley’s co-bomber, apologised to those harmed through the attack, saying ‘I am truly sorry for the loss of life and injuries suffered on that day, but there is nothing I can say that can bring any comfort to the families of the victims’. At the same time, however, he defended the commemoration saying it was ‘no glorification of the events of that awful

day' but was about 'stand[ing] in solidarity with Bootsy's [Begley] grieving family' (*Irish News* 2018). Despite this, the event was criticised by one victim who argued that Begley's family and friends should have remembered him 'in a quiet and dignified way' rather than in a 'sickening' way where he was 'glorified as a hero' (*Newsletter* 2018). Even though Irish republicans expressly acknowledged the hurt of their victims, offered an apology – which is itself a form of symbolic reparation – to their victims, and placed the primary emphasis on *thick* remembrance, this did not placate some of their victims. The crux of the matter is that they did not 'discipline' the commemoration by rewriting Begley's 'résumé' from that of 'victim of circumstance' and 'martyr' to that of 'terrorist'. However, demanding this is ultimately demanding that Irish republicans perform a meta-conflict volte face by disavowing their past – something that surely moves beyond victim acknowledgment or dialogue and into more politicised meta-conflict territory.

In any event, victim-demanded 'disciplining' of the commemoration of those who died for *something* poses more problems than it is likely to solve. If reparative imbalance and hierarchical victimhood are to be avoided, for instance, then *every* act of selective commemoration – that of state and non-state actors alike – would need to be subjected to the 'disciplining' demanded by the victims of those being commemorated. Far from resolving the core issue, this simply extends the associated problem of balancing victim acknowledgement, the right to remember and socio-political redress for 'complex political victims' out to other commemorations like official Remembrance Sunday events.

More problematically, though, 'disciplining' commemoration is naturally conducive to cynically silencing certain narratives under dubious legal guises – whether that is one of 'victims' rights', 'good relations', or legislation purportedly designed to further post-conflict reconciliation. As Rachel Seoighe (2017: 2) persuasively argues on Tamil collective memory in post-war Sri Lanka, demanding that certain constituencies 'compromise' on their collective memory can become a way of eliding the complicity of others in past violence. In the Northern Ireland context, where the state refuses to

acknowledge its role as an armed actor in the conflict (Lawther 2014; Hearty 2017), this naturally leads to questions over what ends commemorative 'disciplining' might be undertaken for. Would it restrict itself to censoring elements deemed offensive to victims or would it seek to silence anything that challenges official discourse? The potential for overreach can be seen in approaches taken by other states determined to impose their own framing of the past via public remembrance. In Sri Lanka, for example, the state has combined victims discourse with legislative prohibition of LTTE commemoration in order to suppress any public remembrance of state violence (Seoighe 2016). A similar self-interested dynamic lies behind the use of the 'divisionism' offence in post-genocide Rwanda to repress any public remembrance of revenge violence that supporters of the incumbent Kagame regime have been implicated in (Waldorf 2009). A more extreme example is the recent destruction of a Sendero Luminoso mausoleum in the Comos district of Lima by the Peruvian authorities under the guise of planning law violations (Briceno 2018). While the exact contexts of each case may differ, the common trait is the use of particular legal guises to maintain the state monopoly on the 'meaning production' process that frames the violent past (Levy & Sznajder 2010: 12). The guise of 'victims rights' or 'good relations' in the North of Ireland might well do the very same by silencing subaltern narratives.

If commemoration is to fulfil its purported remit as 'moral reparation' then it must allow subaltern narratives to challenge dominant narratives so that a wider understanding of the past can be achieved and the goal of non-recurrence worked towards (Jimeno 2018). This requires an expansion, rather than reduction, of the 'critical narrative space' (Hearty 2017: 20) wherein such voices can be articulated through memorialisation and commemoration. It also relies on adopting the 'ethics of difference' in accepting that there are multiple, as opposed to singular, interpretations of the past creating different interests for different constituencies today (Bleiker & Hoang 2010: 204). From the dialogue between these contradictory voices borne from differential experiences a fuller understanding of the past can be pieced together in furtherance of non-recurrence. Irish republicans have, unsurprisingly, engaged with this analysis:

Everybody has a right to remember their dead no matter who you are or what your political perspective is. We all have a different narrative and we'll always have a different narrative... we won't agree on the narrative of the past but we can agree to accept that everybody has a different narrative and then we can start to build the bridges of the past and try to make a better future (*Irish Times* 2017).

Although expedient for Sinn Féin to rely on this defence, the logic of it rests on what the inescapable alternative is - for them to forfeit the commemoration of those who died *for something* altogether. While this might be a significant act of acknowledgment afforded to the victims of Irish republican violence, it could ultimately prove counter-productive to non-recurrence. Primarily, it would preclude the requisite narrative plurality 'moral reparation' depends on by removing a voice from the dialogue about the past. Secondly, and perhaps more problematically, it would invariably vacate the post-GFA Irish republican commemorative space that would foreseeably be taken over by those 'memory militants' keen to use it to promote violence today.

Conclusion

Recognising a right to remember in transitioning societies cannot be done without accepting the accompanying problem of how it should apply to those who died *for something*. At the most fundamental level, accepting such a right means accepting that those who committed acts of political violence have the same right to be remembered as those victimised through that same violence. In the same instance, rejecting that right also means preventing certain families, communities and constituencies from remembering their 'near and dear' as they choose and from articulating their experiences of the conflict. The issue can easily descend into the 'politics of reparations' through political and moral claims that reparation should be withheld from some of those bereaved through conflict in the purported interests of others who were also bereaved during that same conflict. The problem becomes particularly pronounced where the causes and

consequences of past violence itself remains contested, allowing the 'politics of reparations' to unhelpfully merge with 'dead body politics' in political claims-making about the past.

What this politicisation of reparation and victimhood overlooks, though, is the core aims of 'moral reparations' and transitional justice. While accepting a right to remember in the case of those who died *for something* is without doubt difficult for their victims, at the same time the benefits in a wider reparative and transitional justice sense seem to outweigh any difficulty. Although victims may call for the commemoration of those who died *for something* to be 'disciplined' so as to lessen any offence to them, it is perhaps the unvarnished remembrance of these 'complex political victims' that actually holds transitional justice 'use value' as a form of 'moral reparation' directed at non-recurrence. If a dialogue that captures the multitude of perspectives on past violence is to emerge then this relies on providing the scope for competing constituencies to articulate their past experiences in a way that truly engages with and challenges, rather than simply silences, other interpretations. Precluding the right to remember those who died *for something* or even seeking to 'discipline' it under the guise of 'victims' rights' or 'good relations' will not, and indeed ultimately cannot, further the aim of non-recurrence as it extracts certain voices from the dialogue on the past, leads to reparative imbalance and forfeits the potent resource of collective remembrance to spoilers.

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¹ See U. N Econ. & Soc. Council [ECOSOC] Sub-Comm. On Prevention of Discrimination & Prot. Of Minorities, *Final report of Mr Louis Joinet: The Administration of Justice and the Human Rights of Detainees: A Question of the impunity of perpetrators of human rights violations (civil and political)*, U.N. Doc. E/CN.4/SUB.2/1997/20 (Oct 2, 1997); U. N Econ. & Soc. Council [ECOSOC] Sub-Comm. On Prevention of Discrimination & Prot. Of Minorities, *Studying concerning the Right to Restitution, Compensation and Rehabilitation for Victims of Gross Violations of Human Rights and Fundamental Freedoms*, U.N. Doc. E/CN.4/SUB.2/1993/8 (July 2, 1993); U. N Econ. & Soc. Council [ECOSOC], Commission on Human Rights, *Final Report: The right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms*, U.N. Doc. E/CN.4/2000/62/20 (Jan 18, 2000).

² See for example *AZAPO and Others v The President of the Republic of South Africa* 1996 (8) BCLR 1015 (CC) 1020 para 45.

³ This includes the 2013 annual Tyrone Volunteers Day commemoration in Castlederg, the 20th anniversary commemoration of Thomas Begley (killed planting a bomb on the Shankill Road that claimed nine Protestant lives) in October 2013, the annual hunger strike commemoration in Derrylin in August 2014, the 25th anniversary of four IRA members in Co Tyrone in February 2017, and the 25th anniversary commemoration of Thomas Begley in October 2018.

⁴ See General Assembly of the U.N, Basic Principles and Guidelines on the Right to Remedy and Reparation For Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, Resolution adopted the 21 March 2006, Sixtieth session, 60/147.

⁵ 'The Agreement reached in the multi-party negotiations' (1998), 6.12.

⁶ It is worth noting that Unionists tend to categorise security force members, particularly part-time members killed off-duty, as 'innocent victims', whereas Irish republicans classify them as combatants. See Patterson (2006), Simpson (2009), Lawther (2014) Hearty (2016; 2017).